

**Opening Statement of the Honorable Fred Upton  
Subcommittee on Communications and Technology  
Hearing on “Innovation Versus Regulation in the Video Marketplace”  
September 11, 2013**

*(As Prepared for Delivery)*

The Energy and Commerce Committee is committed to fostering a smaller and more effective government for the innovation era. Furthering that effort, the Subcommittee on Communications and Technology today turns to the video marketplace to examine whether the laws for the video market are keeping pace in our age of innovation and competition.

The video marketplace has been addressed by Congress numerous times, but those laws are showing their age. We first enacted the Satellite Home Viewer Act – STELA’s great-great-grandfather – in 1988 when the video landscape was much different. Cable’s governing statute was enacted in 1992 when its business was booming and competitors like direct broadcast satellite service were in their infancy. And the broadcast regulations derive from the era of Cronkite and Brinkley, not the era of YouTube and Netflix.

Currently, the satellite industry serves one-third of America’s pay-TV audience; broadcasters are experimenting with new digital and mobile services; cable providers are offering broadband and telephone service; and the Internet has opened the video market and lowered barriers for new players who are hoping to transform the way we all watch television.

This hearing will put our video laws in context of today’s video marketplace. Our responsibility, as lawmakers, is to ensure that as technological advancements and breakthroughs transforms the video marketplace, government is not standing in the way. Statutes and regulations adopted during a bygone era may not only be hindering innovation but worse, may impose inefficiencies that harm businesses, consumers, and jobs. We should also bear in mind as we look at this marketplace that a free market, without the interference of the government and in which every company in the video value chain is compensated for their contribution, is best for all involved.

I welcome this review and look forward to hearing from our witnesses.

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